



## MAYOR AND COUNCIL MEETING FEBRUARY 23, 2023 – 7:00 PM

1. Call to Order
2. Sunshine Statement  
This Regular Meeting of the Mayor and Council of the Borough of Atlantic Highlands is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice has been provided by transmitting the Resolution of Annual Meetings to the Asbury Park Press and the Two River Times, by posting it in the Borough Hall on a bulletin board reserved for such announcements, and by filing it with the Municipal Clerk on 1/03/2023. This agenda is complete to the extent known and formal action will be taken.
3. Roll Call
4. Silent prayer & Pledge of Allegiance
5. Approval of previous meeting minutes:  
February 9, 2023 Regular Meeting and Executive Session  
February 13, 2023 Town Hall Meeting
6. Proclamation – Recognizing February as Black History Month
7. Unfinished Business:
8. Workshop Discussion
9. Public Comment (on consent and regular agenda items)
10. New Business:
  1. Consent Agenda: These items will be enacted by one motion. If detailed deliberation is desired on any item, Council may remove that item from the consent agenda and consider it separately
    - 1) Resolution 044-2023 – Certification of 2021 Annual Audit
    - 2) Resolution 045-2023 – Adoption of Corrective Action Plan
    - 3) Resolution 046-2023 – Authorizing Return of Sewer Fees
    - 4) Resolution 047-2023 – Authorizing Mosquito Commission to Conduct Aerial Operations
    - 5) Resolution 048-2023 – Mental Health and Addition Services Grant – Form 1B
    - 6) Resolution 049-2023 – Municipal Drug Alliance Grant – Form 1B
    - 7) Resolution 050-2023 – Payment of Bills \$189,274.06
  2. Ordinance 05-2023 – Illegal Dumping – INTRODUCTION
  3. Ordinance 03-2023 – Amending Fire Department LOSAP – Public Hearing/Possible Adoption
11. Reports of Council  
**Councilman Colasurdo:** Fire/Environmental/Shade Tree/Recreation  
**Councilman Crowley:** Emergency Services/Police/Public Works/Recreation  
**Councilwoman Cusack:** Senior Citizens/Emergency Management/Veterans Affairs  
**Councilman Dougherty:** Finance/Personnel/Fire/Planning Board  
**Councilwoman Hohenleitner:** Finance/Personnel/Police/Shade Tree/Harbor/Green Team/Open Space  
**Councilman Murphy:** Finance/Personnel/Emergency Services/Public Works/Recreation/Harbor/Open Space
12. Administrator's Report and Professionals
13. Public Comment
14. Executive Session – Resolution 051-2023 Enter into Executive Session  
Item – Acquisition of Property
15. Adjourn



## PROCLAMATION RECOGNIZING FEBRUARY AS BLACK HISTORY MONTH

**WHEREAS**, in 1776, people envisioned the United States as a new nation dedicated to the proposition stated in the Declaration of Independence that "*all men are created equal, that they are endowed by their creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness ...*"; and

**WHEREAS**, Africans were first brought involuntarily to the shores of the United States as early as the 17th century; and

**WHEREAS**, African Americans suffered enslavement and subsequently faced the injustices of lynch mobs, segregation, and denial of the basic and fundamental rights of citizenship; and

**WHEREAS**, despite slavery, African-Americans in all walks of life have made significant contributions throughout the history of the United States; and

**WHEREAS**, in the face of injustices, people of good will and of all races in the United States have distinguished themselves with a commitment to the noble ideals on which the United States was founded and have fought courageously for the rights of freedom of African Americans and others; and

**WHEREAS**, Dr. Martin Luther King, Jr., lived and died to make real these noble ideals; and

**WHEREAS**, the month of February is officially celebrated as Black History Month, which dates back to 1926 when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage and achievement of Black Americans; and

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey do hereby (1) recognize the significance of Black History Month as an important time to acknowledge and celebrate the contributions of African-Americans in the Nation's history, and encourages the continued celebration of this month to provide an opportunity for all peoples of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; (2) recognizes that ethnic and racial diversity of the United States enriches and strengthens the Nation; and (3) encourages all States to include in their year-round education curriculum this history and contributions of African Americans in the United States and around the world.



BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH

**RESOLUTION 044-2021**

**GOVERNING BODY CERTIFICATION OF  
THE 2021 ANNUAL AUDIT**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

**WHEREAS**, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Atlantic Highlands, pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "General Comments", "Recommendations" and "Auditor's Opinion"; and,

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "General Comments", "Recommendations" and "Auditor's Opinion", as evidenced by the group affidavit form of the governing body attached hereto; and,

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

"R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

**NOW, THEREFORE BE IT RESOLVED**, That the Mayor and Council of the Borough of Atlantic Highlands hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.



BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY

**CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT  
GROUP AFFIDAVIT FORM**

We, members of the governing body of the Borough of Atlantic Highlands, in the County of Monmouth being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Council of the Borough of Atlantic Highlands.
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2021;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled: "Comments and Recommendations."

\_\_\_\_\_  
(L.S.) Vito Colasurdo

\_\_\_\_\_  
(L.S.) Jon Crowley

\_\_\_\_\_  
(L.S.) Eileen Cusack

\_\_\_\_\_  
(L.S.) Brian Dougherty

\_\_\_\_\_  
(L.S.) Lori Hohenleitner

\_\_\_\_\_  
(L.S.) James Murphy

\_\_\_\_\_  
(L.S.) Loretta Gluckstein, Mayor

\_\_\_\_\_  
(L.S.)

Sworn to and subscribed before me this  
23rd day of February 2023

\_\_\_\_\_  
Notary Public of New Jersey

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The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.

**IMPORTANT:** This certificate must be sent to the Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.



BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 046-2023

### REFUND OVERPAYMENT OF WATER/SEWER FEES

WHEREAS, the Collector of Taxes has advised the Governing Body that duplicate payments or overpayments, of 2022/2023 fees for 34 E. Washington Street should be refunded to the homeowner named below,

<u>BLOCK</u>	<u>LOT</u>	<u>NAME OF PAYEE</u>	<u>AMOUNT</u>
90	2	Roe & Sons LLC 108 Jackson Street # 4A Hoboken, New Jersey 07030	\$1,432.08

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey that the overpayment of the 2022/2023 water/sewer fees shall be refunded, and that the Chief Financial Officer is hereby authorized and directed to make said refund:



BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 047-2023

### **AUTHORIZING THE MONMOUTH COUNTY MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF ATLANTIC HIGHLANDS**

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9 – 27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulations (FARC Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Atlantic Highlands is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, be it resolved as follow:

1. The governing body hereby authorizes the County of Monmouth Mosquito Control Division or its agent, to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with understanding that:
  - a) The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (and NJDEP) agencies, and
  - b) Such operations will be performed in compliance with applicable Federal and State regulations, and
  - c) The County will notify the Police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations, and the Borough will send a reverse Rave 911 call to notify the residents.



BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 048-2023

### Governor's Council on Alcoholism and Drug Abuse FORM 1B – **DMHAS Youth Leadership Grant**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug

abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

**WHEREAS**, The Borough Council of the **Borough of Atlantic Highlands**, County of Monmouth,, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Atlantic Highlands, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for DMHAS Grant funding for the Highlands and Atlantic Highlands Municipal Alliance for Grant Term 9/1/23 – 9/30/25 in the amount of:  
DMHAS Grant Funding                      \$ 5,094.83
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: \_\_\_\_\_  
(Name), Mayor/Head of Governing Body



BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH

# RESOLUTION 049-2023

## Governor's Council on Alcoholism and Drug Abuse FORM 1B

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Borough Council of the **Borough of Atlantic Highlands**, County of Monmouth,, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Highlands and Atlantic Highlands Municipal Alliance grant for fiscal year **2024** in the amount of:

DEDR	<u>\$ 14,954.20</u>
Cash Match	<u>\$ 3,738.55</u>
In-Kind	<u>\$ 11,215.65</u>

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: \_\_\_\_\_  
(Name), Mayor/Head of Governing Body





BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 050-2023

### PAYMENT OF BILLS

WHEREAS, certain numbered vouchers have been submitted to the Borough of Atlantic Highlands for payment from a list prepared and dated February 23, 2023, which totals as follows:

Total to be paid from Fund 01 CURRENT FUND	121,085.33
Total to be paid from Fund 04 CAPITAL FUND	4,010.00
Total to be paid from Fund 12 TRUST - OTHER	1,889.28
Total to be paid from Fund 15 OPEN SPACE TRUST FUND	29,288.00
Total to be paid from Fund 28 WATER/SEWER OPERATING FUND	13,197.48
Total to be paid from Fund 30 HARBOR OPERATING FUND	19,803.97
	<hr/>
	\$ 189,274.06

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, that these vouchers, totaling \$189,274.06 be paid to the person[s] named, for the amounts set opposite their respective name[s], and endorsed and approved on said vouchers. An individual listing of all bills submitted has been posted on the bulletin board and is also on file in the Municipal Clerk's office for reference.



BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH

# RESOLUTION 051-2023

## ENTER INTO CLOSED SESSION

**WHEREAS**, the Borough Council of the Borough of Atlantic Highlands must discuss matters which are not appropriate for discussion in a public meeting; and

**WHEREAS**, these subjects are within the exceptions to the Open Public Meetings Act and are permitted to be discussed in Closed Session pursuant to N.J.S.A. 10:4-12b; and

**WHEREAS**, the Borough Council intends to discuss matters as follows:

Pursuant to N.J.S.A. 10:4-12b(1), “any matter which, by provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of subsection a.” of N.J.S.A. 10:4-12, public meetings. The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

Pursuant to N.J.S.A. 10:4-12b(2), “any matter in which the release of information would impair a right to receive funds from the Government of the United States”. The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

Pursuant to N.J.S.A. 10:4-12b(3), “any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual’s personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

Pursuant to N.J.S.A. 10:4-12b(4), “any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.” The collective bargaining contract(s) discussed are between the Commission and:

**X** Pursuant to N.J.S.A. 10:4-12b(5), “any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matter were disclosed.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is: **Property Acquisition**

Pursuant to N.J.S.A. 10:4-12b(6), “any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

Pursuant to N.J.S.A. 10:4-12b(7), “any pending or anticipated litigation or contract negotiation other than in subsection b. (4)” of N.J.S.A. 10:4-12 “in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

Pursuant to N.J.S.A. 10:4-12b(8), “any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or discipline of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

Pursuant to N.J.S.A. 10:4-12b(9), “any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

**WHEREAS**, the length of the Closed Session is estimated to be **30 minutes** after which the public meeting of the Borough Council shall reconvene, and action may be taken.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council will recess into Closed Session for only the aforesaid subject(s); and

**BE IT FURTHER RESOLVED** that the Borough Council hereby declares that its discussion of the aforesaid subject(s) will be made public at a time when the public’s interest in disclosure is greater than any privacy or governmental interest being protected from disclosure in accordance with the Open Public Meetings Act.



BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH  
**ORDINANCE 03-2023**

**AN ORDINANCE TO AMEND THE FIRE DEPARTMENT LENGTH OF SERVICE AWARD PROGRAM TO INCREASE THE MAXIMUM NUMBER OF POINTS AVAILABLE TO MEMBERSHIP OF THE DEPARTMENT**

**WHEREAS**, the Atlantic Highlands Fire Department Length of Service Award Program (“LOSAP”), which provides for fixed annual contributions from the Borough of Atlantic Highlands to a deferred income account for volunteer members of the Atlantic Highlands Fire Department and First Aid Squad pursuant to a point schedule, was approved by referendum on November 2, 2004, and adopted by the Governing Body by Ordinance 11-2004; and

**WHEREAS**, the Atlantic Highlands Fire Department created the LOSAP Committee to keep track of LOSAP points earned by membership and to review and amend the program as needed to maintain consistency; and

**WHEREAS**, the LOSAP Committee has recommended amendments to the LOSAP points schedule to increase the maximum number of points that can be earned by Fire Department personnel annually for the performance of certain duties;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth in the State of New Jersey that § 34-4(A) of the Code of the Borough of Atlantic Highlands be amended<sup>1</sup> as follows:

A. Fire Department.

- (1) Fire calls: one point per 1% of calls attended; **maximum 75 points.**
- (2) Training/drills/special assignments: two points per two hours; maximum 40 points.
- (3) Meetings: two points per monthly or special Department meeting; **maximum 30 points.**
- (4) Longevity service: one point per year of service.
- (5) Elected positions: 20 points for each elected Line or Officer position; maximum 40 points.

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<sup>1</sup> Deleted material shown in strike through; new material shown in bold and underline.

(6) Fund-raising: one point per one-hour service performed; **maximum 35 points.**

(7) Sanctioned activities: five points per function; maximum 30 points.

(8) Extra credit: one point per one hour; maximum 24 points.

**BE IT FURTHER ORDAINED** by the Governing Body of the Borough of Atlantic Highlands, County of Monmouth in the State of New Jersey that all ordinances or parts of ordinances inconsistent with this ordinance be and the same are hereby repealed, and this ordinance shall take effect upon final passage and publication as provided by law.

**Motion:** Introduce Ordinance 03-2023, **Moved by** Councilman Murphy; **Seconded by** Councilman Dougherty

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Councilman Colasurdo, Councilman Crowley, Councilwoman Cusack, Councilman Dougherty, Councilwoman Hohenleitner, Councilman Murphy

**Absent:** None

I, Michelle Clark, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Regular Meeting, held February 9, 2023, WITNESS my hand this 10th day of February 2023.

*Michelle Clark*

Michelle Clark, Municipal Clerk



Public Hearing / Possible Adoption on February 23rd